

REMARKS

Claims 1-5, 12-14, 19-23, and 28-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Number 6,624,761 B2 to Fallon (hereinafter Fallon) and well-known prior art (hereinafter WKPA). Claims 1-35 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over corresponding claims. Claim 5 is objected to because the claim is repeated once with the same claim number.

For the Examiner's convenience and reference, Applicants' remarks are presented in substantially the same order in which the corresponding issues were raised in the Office Action. Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references.

Response to rejections of claims under 35 U.S.C. § 103(a)

Claims 1-5, 12-14, 19-23, and 28-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fallon and WKPA. Applicant respectfully traverses these rejections.

With regards to independent claims 1, 12, 19, and 28, the claims are amended to include the limitation of a "...raster data stream from a print controller..." Claim 1, as amended. See also claims 12, 19, and 28 as amended. The amendment is well supported by the specification, which discloses the raster stream from a print controller. Page 8, lines 25-27, fig. 2, refs. 112, 212. Fallon does not teach a raster data stream from a print controller. Absent a teaching of each element, Applicants respectfully assert that claims 1, 12, 19, and 28 of the present invention

cannot be obvious over Fallon and WKPA and are allowable. Applicants further submit that claims 2-5, 13, 14, 20-23, and 29-31 are allowable as depending from allowable claims.

With regards to claims 1-5, 12-14, 19-23, and 28-31, the Examiner has not made a *prima facie* case that includes a suggestion to combine Fallon with the elements of WKPA. Fallon discloses "...data types, data structures, data block formats, file sub structures, file types..." Fallon, col. 16, lines 27-28. However, Fallon does not suggest the graphical pattern detection modules of the present invention. "...[o]bviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination." *In re Geiger*, 815 F.2d 686, 688, 2 USPQ 2d 1276, 1278 (Fed. Cir. 1987). Absent a suggestion to combine Fallon with WKPA, Applicants submit that Fallon cannot be combined with WKPA and that claims 1-5, 12-14, 19-23, and 28-31 are allowable.

Response to rejections of claims for double patenting.

Applicants have included herewith a terminal disclaimer in response to the nonstatutory obvious-type double patenting rejection of Claims 1-35. Applicants submit that claims 1-35 are allowable. Applicants have also included an information disclosure statement citing additional art from the prosecution of United States Patent 7,085,020.

Response to objections to claims

Applicants have deleted the duplicate instance of claim 5 without canceling claim 5.

As a result of the presented remarks, Applicants assert that claims 1-35 are in condition for prompt allowance. Should additional information be required regarding the traversal of the rejections of the claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

/Brian C. Kunzler/
Brian C. Kunzler
Reg. No. 38,527
Attorney for Applicant

Date: January 31, 2007
8 East Broadway, Suite 600
Salt Lake City, UT 84111
Telephone (801) 994-4646
Fax (801) 531-1929